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Congress of the United States

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SPACE AND AERONAUTICS

RESEARCH

April 17, 2006

The Honorable Margaret Spellings
U.S. Department of Education
400 Maryland Ave
Washington, DC 20202

Dear Secretary Spellings,

I am writing to request again the information that I requested of you orally at the hearing of the U. S. House of Representatives Committee on Science on March 30, 2006, entitled "K-12 Science and Math Education Across the Federal Agencies." The information pertains to the decision by the Department of Education not to release publicly two studies sponsored by the Department.

First, in June of 2004, SRI International completed the third part of a study commissioned by the Department to evaluate charter school performance. The study concluded that children in charter schools performed less well in state testing than children attending traditional public schools. The Department's stated reason for not releasing the study was that the report did not meet the scientific or methodological standards demanded by the Department. The study became public as a result of a request by The New York Times under the Freedom of Information Act.

Second, last year the Department failed to release the report of a study on the education of children for whom English is a second language. The study was conducted with \$1 million in funding from the Department, and apparently concluded that bilingual education was more effective in educating children with limited English proficiency than "English only" instruction. I understand that after months of negotiation, the Department has now agreed to relinquish its copyright on the report, and the report will be published by a private publisher, Lawrence Erlbaum Associates. I understand from your responses to my questions at the March 30 hearing that the Department's reason for not releasing that study was similar to the stated reason for not releasing the study of charter school performance.

I encourage the Department to maintain rigorous standards of scholarship in the studies commissioned by the Department, and I do not support providing the Department's imprimatur to studies that fall short of those standards. I am concerned, however, by the suspicions of scholars familiar with the studies that the stated reason for not releasing the studies, the lack of scientific rigor, was not the real reason. Those scholars suspect that the real reason was that the conclusions of those two studies were contrary to the Department's policies or were otherwise politically troublesome.

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The Department and Congress must rely on research to inform our education policy decisions, and must have confidence that the research is impartial, rather than generated to justify policy or political decisions. The credibility of the Department in applying standards of scholarship in evaluating reports sponsored by the Department is critical. I am requesting, therefore, that the Department provide the memoranda or other documents relied upon in determining that those two studies fell short of the standards of scholarship demanded by the Department, so that scholars in the discipline can evaluate the validity of the Department's criticisms of the reports.

At the March 30 hearing, you agreed to review my request for the documents pertaining to the two studies, as well as applicable law. I encourage you to complete that review with speed. If you do not provide any documents that I am requesting, please state the reasons for not providing those documents. Please provide a citation to any law that you believe prohibits or does not require the public release of any of those documents. If you believe that the law allows but does not require the public release of any such documents, please explain the Department's reason for not providing the documents.

Please provide a copy to Heather Parsons of my staff of any document that the Department releases that I am requesting.

Thank you for your assistance in this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Miller", with a stylized flourish at the end.

Brad Miller
Member of Congress

RBM:hnp